

*January 10, 2011*

**Election of the City Council President.**

City Clerk Rosario C. Malone called the regular meeting of the Waltham City Council to order at 8:00 PM in accordance with Section 2-3 of the City Charter.

City Clerk Rosario C. Malone stated the following:

"AS CITY CLERK OF THE CITY OF WALTHAM IT IS MY DUTY TO ACT AS PRESIDENT PRO-TEM FOR THE PURPOSE OF ELECTING AN INDIVIDUAL FROM THE CITY COUNCIL TO SERVE AS THE PRESIDENT OF THE WALTHAM CITY COUNCIL FOR THE CALENDAR YEAR 2011".

Assistant City Clerk Kevin M. Ritcey called the roll. Present at roll call were Councillors Brasco, Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. (14)

Councillor Tarallo was recognized by the President for a moment of silence and prayer regarding the tragic events in Tucson, Arizona on January 8, 2011

Councilor Tarallo moved that the rules of 2010 be adopted as the rules of the City Council for 2011. On a voice vote the Rules for 2010 were adopted for 2011.

Councillor Waddick placed the name of Paul J. Brasco in nomination for President of the Waltham City Council.

There were no further nominations. Councillor Giordano moved to close nominations. The motion was adopted on a voice vote and nominations were closed.

Assistant City Clerk Ritcey called the roll. Voting for Councillor Paul Brasco were Councillors Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Waddick. Councillor Brasco abstains. Councillor Brasco was elected City Council President on a vote of 13-0.

City Clerk Malone welcomed new City Council President Brasco. Council President Brasco addressed the members of the City Council and others.

Councillor Logan moved to accept the minutes of the December 27, 2010 Special Meeting and December 27, 2010 Regular Meeting of the City Council. The motion was adopted on a voice vote and the minutes were accepted.

**The City Clerk read rule 29A**

## **Public Hearing Special Permit**

Due notice having been given, President Brasco opened the Public Hearing on the petition by

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband Company, LLC and Nextel Communications of the Mid-Atlantic, Inc., 303 Wyman Street, Waltham, MA 02451; American Tower, 10 Presidential Way, Woburn, MA 01801, and Hilltop 110 Bear Hill LLC, 34 Bear Hill Road, Weston, MA 02493 to the Waltham City Council for a special permit pursuant to Sections 3.512, 3.621, 10.531(b), 10.55 and 10.56 of the City of Waltham Zoning Ordinance, to modify an existing wireless communication facility and install, operate and maintain wireless communication equipment on the façade of the existing tower located

on the property at 110 Bear Hill Road (Atlas Map R048, Block 001, and Lot 0016), including seven (7) backhaul antennas pipe-mounted at a height of 96' above ground level. Cabling will connect the antennas to existing equipment located at the base of the tower. The existing wireless communication equipment will remain, including the small Global Positioning System (GPS) antenna, which is necessary for E911 compliance. The proposal is shown on the Plans submitted by the Petitioners.

Speaking in favor was Scott Lacey, Attorney for the Petitioner. No one stood in favor. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillors McMenimen, Tarallo, Romard, Doucette, and Darcy had various questions. It was requested that all responses be forwarded to the Ordinances and Rules Committee with copies to all Councillors. President Brasco closed the Public Hearing and the matter was referred to the Ordinances and Rules Committee.

## **Public Hearing for Conduit**

Due notice having been given, President Brasco opened the Public Hearing on the petition by

**NSTAR ELECTRIC COMPANY** for permission to construct a line for the transmission of electricity for lighting, heating, or power under the public way or ways of the City hereinafter specified:

**Moody Street:** Westerly @ pole 196/58 approximately 75'  $\pm$  feet south of Adams Ave

A distance of about 9' ± feet - conduit

Speaking in favor was Maureen Carroll representing Nstar. No one stood in favor. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillor Rourke had a request for a new plan to be forwarded to the Licenses and Franchises Committee. President Brasco closed the Public Hearing and the matter was referred to the

Licenses and Franchises Committee

### **Public Hearing for Extended Hours**

Due notice having been given, President Brasco opened the Public Hearing on the petition by Wendy's International, 806 Main Street, Waltham and Lisa Beausoleil, 780 Shawsheen Street, Tewksbury, MA 01876 to the City Council for Extended Retail Hours under the provisions of Chapter 8 Article XIII for Wendy's International, 806 Main Street Waltham to remain open between the hours of 6:00 AM to 2:00 AM for property located 802 Main Street, Waltham recorded in Book 22200, page 118-119. Speaking in favor was Lisa Beausoleil, 780 Shawsheen Street, Tewksbury. No one stood in favor. No one spoke or stood in opposition and that portion of the public hearing was declared closed. President Brasco opened the Public Hearing to questions from the Councillors. Councillors Marchese, Logan, LeBlanc, and Collura had questions and requests. It was requested that all responses and reports to be forwarded to the Licenses and Franchises Committee. President Brasco closed the Public Hearing and the matter was referred to the Licenses and Franchises Committee

### **Communications from the Mayor**

The Clerk read the following communication from the Mayor which was referred to the appropriate committee by President Brasco as indicated below:

1. Respectfully request a transfer of funds in the amount of \$3,000.00 from account #001-121-5810 Mayor – Open Space to account #001-121-5400-5303 Mayor Appraisals. These funds will be used to obtain the services of a certified real estate appraiser to appraise 9 Newton Street.

**Referred to the Finance Committee**

### **Licenses**

1. Renewal of 205 Willow Street for Extended Hours

**2. Renewal of Class II Motor Vehicles E & T Auto Body Inc. 153 Elm Street**

**All license application were referred to the Licenses and Franchises Committee**

### **Matters Taken from the Table**

Councillor Stanley moved that the Loan Order in the amount of \$300,000.00 to be appropriated for the Planning and construction of reconstruction of surface drains /or sewer, including infiltration/inflow and other disposal improvements be taken from the table. The motion was adopted on a voice vote and the matter was opened to the floor for discussion. Having had a first reading, Councillor Stanley moved that the loan order be given a second and final reading. The roll was called. Voting yea were Councillors Collura, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Waddick. By a vote of 13-0 the Loan Order was adopted. (Order #31492)

### **New Business**

The Clerk read the following request for taxi fare increase. It was referred to the appropriate committee by President Brasco as indicated below.

Mike Antonellis, General Manager Veterans Taxi LLC, 224 Calvary Street, Waltham, requested a rate increase for taxi fares.

**Referred to the Ordinances & Rules Committee**

**Resolutions none.**

**Committee reports none.**

Councillor Doucette moved to adjourn. The motion was adopted on a voice vote and the City Council was adjourned at 9:30 PM